

# HOUSE JOURNAL

## OF THE

# IDAHO LEGISLATURE

FIRST REGULAR SESSION  
SIXTIETH LEGISLATURE

**EIGHTY-FIRST LEGISLATIVE DAY**  
**THURSDAY, APRIL 2, 2009**

House of Representatives

The House convened at 10 a.m., Mr. Moyle in the Chair.

Roll call showed 69 members present.  
Absent and excused – Anderson. Total – 1.  
Total – 70.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Breana Rojas, Page.

### Approval of Journal

April 2, 2009

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Eightieth Legislative Day and recommend that same be adopted as corrected.

CLARK, Chairman

Mr. Clark moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

### Consideration of Messages from the Governor and the Senate

OFFICE OF THE GOVERNOR  
Boise

April 1, 2009

The Honorable Lawrence Denney  
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following House Bills, to wit:

H 142, H 41, H 55, H 70, as amended in the Senate, H 75, H 76, as amended in the Senate, H 87, H 88, H 89, H 90, H 91, H 92, H 101, H 103, H 104, H 105, H 107, H 125, H 126, H 127, H 154, as amended, H 179, H 192, H 193, H 109, H 184, and H 185

As Always - Idaho, "Esto Perpetua"  
/s/ C.L. "Butch" Otter  
Governor

April 1, 2009

Mr. Speaker:

I transmit herewith enrolled S 1046, S 1050, S 1061, S 1065, S 1071, as amended, S 1098, as amended, S 1109, as amended, S 1111, S 1115, S 1127, S 1128, and S 1131 for the signature of the Speaker.

WOOD, Secretary

The Speaker Pro Tem announced the Speaker was about to sign enrolled S 1046, S 1050, S 1061, S 1065, S 1071, as amended, S 1098, as amended, S 1109, as amended, S 1111, S 1115, S 1127, S 1128, and S 1131 and, when so signed, ordered them returned to the Senate.

April 1, 2009

Mr. Speaker:

I return herewith enrolled HJM 3, H 169, H 32, as amended, H 38, H 44, H 110, H 111, H 112, H 205, H 206, and H 72 which have been signed by the President.

WOOD, Secretary

Enrolled HJM 3 was referred to the Judiciary, Rules, and Administration Committee for delivery to the Secretary of State.

Enrolled H 169, H 32, as amended, H 38, H 44, H 110, H 111, H 112, H 205, H 206, and H 72 were referred to the Judiciary, Rules, and Administration Committee for delivery to the Governor.

April 1, 2009

Mr. Speaker:

I transmit herewith S 1141, as amended, as amended, which has passed the Senate.

WOOD, Secretary

S 1141, as amended, as amended, was filed for first reading.

April 1, 2009

Mr. Speaker:

I return herewith HJM 6, H 46, as amended, H 250, H 163, H 222, H 43, H 151, and HCR 28 which have passed the Senate.

WOOD, Secretary

HJM 6, H 46, as amended, H 250, H 163, H 222, H 43, H 151, and HCR 28 were referred to the Judiciary, Rules, and Administration Committee for enrolling.

### Report of Standing Committees

April 2, 2009

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed HJR 1, H 276, H 277, H 278, H 279, and H 280.

CLARK, Chairman

HJR 1 was referred to the Revenue and Taxation Committee.

H 276, H 277, and H 280 were filed for second reading.

H 278 was referred to the State Affairs Committee.

[H 279](#) was referred to the Health and Welfare Committee.

April 2, 2009

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have enrolled [H 128](#), [H 129](#), [H 147](#), [H 145](#), as amended, [H 160](#), as amended, [H 108](#), [H 113](#), [H 115](#), [H 188](#), [H 189](#), [H 190](#), [H 191](#), [H 157](#), as amended, [H 212](#), [H 106](#), as amended, and [H 213](#).

CLARK, Chairman

The Speaker Pro Tem announced the Speaker was about to sign enrolled [H 128](#), [H 129](#), [H 147](#), [H 145](#), as amended, [H 160](#), as amended, [H 108](#), [H 113](#), [H 115](#), [H 188](#), [H 189](#), [H 190](#), [H 191](#), [H 157](#), as amended, [H 212](#), [H 106](#), as amended, and [H 213](#) and, when so signed, ordered them transmitted to the Senate for the signature of the President.

April 1, 2009

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have had under consideration [S 1153](#) and recommend that it do pass.

CLARK, Chairman

[S 1153](#) was filed for second reading.

April 2, 2009

Mr. Speaker:

We, your COMMITTEE ON EDUCATION, report that we have had under consideration [S 1154](#) and recommend that it do pass.

NONINI, Chairman

[S 1154](#) was filed for second reading.

There being no objection, the House advanced to the Eighth Order of Business.

### Introduction, First Reading, and Reference of Bills and Joint Resolutions

#### HOUSE BILL NO. 281 BY REVENUE AND TAXATION COMMITTEE AN ACT

RELATING TO INCOME TAXES; AMENDING SECTION 63-3004, IDAHO CODE, AS AMENDED IN SECTION 1 OF HOUSE BILL NO. 64, AS AMENDED IN THE SENATE, AS AMENDED IN THE SENATE, AS ENACTED BY THE FIRST REGULAR SESSION OF THE SIXTIETH IDAHO LEGISLATURE, TO UPDATE REFERENCES TO THE INTERNAL REVENUE CODE AND TO DELETE LANGUAGE PROVIDING THAT THE ADDITIONAL STANDARD DEDUCTION FOR REAL PROPERTY TAXES FOR NONITEMIZERS DOES APPLY; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

[H 281](#) was introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

[S 1141](#), as amended, as amended, by State Affairs Committee, was introduced, read the first time by title, and referred to the Resources and Conservation Committee.

There being no objection, the House advanced to the Tenth Order of Business.

### Second Reading of Bills and Joint Resolutions

[HP 2](#), [H 275](#), [H 249](#), as amended, and [H 237](#), as amended, by State Affairs Committee, were read the second time by title and filed for third reading.

[H 272](#), [H 273](#), and [H 274](#), by Appropriations Committee, were read the second time by title and filed for third reading.

[S 1015](#), [S 1020](#), as amended, and [S 1022](#), by Schroeder, were read the second time by title and filed for third reading.

[S 1152](#) and [S 1121](#), as amended in the House, by Judiciary and Rules Committee, were read the second time by title and filed for third reading.

[S 1086](#), as amended in the House, and [S 1088](#), as amended in the House, by Transportation Committee, were read the second time by title and filed for third reading.

[S 1110](#), as amended in the House, by Health and Welfare Committee, was read the second time by title and filed for third reading.

[H 225](#), as amended, by Education Committee, was read the second time by title and filed for third reading.

[H 131](#), as amended, and [H 135](#), as amended, by Transportation and Defense Committee, were read the second time by title and filed for third reading.

[H 138](#), as amended, by Resources and Conservation Committee, was read the second time by title and filed for third reading.

There being no objection, the House advanced to the Eleventh Order of Business.

### Third Reading of Bills and Joint Resolutions

Mrs. Wood(35) asked unanimous consent that [S 1054](#) be placed on General Orders for consideration. There being no objection it was so ordered.

At this time, the Speaker took the Chair.

[H 268](#), having previously been read the third time at length, was placed before the House for final consideration.

The question being, "Shall [H 268](#) pass?"

Roll call resulted as follows:

AYES – Andrus, Bayer, Bell, Bilbao, Block, Bolz, Boyle, Chadderdon, Clark, Collins, Gibbs, Hagedorn, Hartgen, Henderson, Jarvis, Labrador, Lake, Loertscher, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Palmer, Patrick, Raybould, Shepherd(02), Shepherd(08), Shirley, Simpson, Smith(24), Stevenson, Takasugi, Thayn, Thompson, Trail, Wills, Wood(35), Mr. Speaker. Total – 41.

NAYS – Burgoyne, Chavez, Chew, Cronin, Durst, Harwood, Jaquet, Killen, King, Pence, Ruchti, Rusche, Sayler(Marano), Schaefer, Smith(30). Total – 15.

Absent and excused – Anderson, Barrett, Bedke, Black, Boe, Crane, Eskridge, Hart, Higgins, Kren, Pasley-Stuart, Ringo, Roberts, Wood(27). Total – 14.  
Total – 70.

Whereupon the Speaker declared that [H 268](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

Mr. Moyle asked unanimous consent that the remaining bills on the Third Reading Calendar retain their places for one legislative day. There being no objection, it was so ordered.

There being no objection, the House advanced to the Sixteenth Order of Business.

### **Adjournment**

Mr. Moyle moved that the House adjourn until 9:30 a.m., Friday, April 3, 2009. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker declared the House adjourned at 1:45 p.m.

LAWERENCE DENNEY, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk